

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on February 14, 1995, in Room 423-S of the Capitol.

All members were present except: Representative Ballou - Excused

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Marvin Smith, former State Representative
Jamie Clover Adams, Kansas Grain & Feed Association and Kansas Fertilizer & Chemical Association
Vern McKinzie, Kansas Pest Control Association, Inc.

Others attending: See attached list

Chairperson Flower called the meeting to order and directed the committee's attention to the minutes of February 7, 8, and 9. If there are corrections or additions, notify the secretary by 5:00 p.m. today or they would be considered approved as presented.

Hearing on HB 2078 - Election of the state board of agriculture using districts identical to the state board of education districts

Hearing on HB 2137 - Selection of members of state board of agriculture

Hearing on HB 2384 - State board of agriculture selected by the governor; 11 members, 2 from each congressional district, 3 at large; secretary selected by the board

Hearing on HB 2447 - Creating a department of agriculture, secretary appointed by the governor, creating an advisory state board of agriculture selected in the same manner as current statute

Chairperson flower opened hearings on four House bills--**HB 2078, HB 2137, HB 2384, and HB 2447**--concerning the reorganization of the state board of agriculture. She asked Raney Gilliland, Legislative Research, to brief the committee on the bills. Raney provided the committee and those in attendance with copies of a comparison of current law with the bills under consideration that he had prepared on the four House bills, as well as the four bills being considered in the Senate. He brought the committee up to date on the court case that mandated the reorganization of the state board of agriculture. The court found that because the services and responsibilities that the agency provided involved everyone in the state, not just agricultural interests, the board selection process violated the federal constitution's one-person, one-vote requirement. (Attachments 1 and 2)

Marvin Smith, former member of the Kansas House of Representatives, shared his views on the reorganization of the state board of agriculture. He addressed all four bills, but specifically **HB 2078**. There were three items he felt were important: 1) Kansas should have a board of agriculture; 2) the board should select and employ the secretary of agriculture, subject to Senate confirmation; and 3) an annual meeting of delegates to provide a list of nominees to the governor for appointing members to the state board of agriculture. He stated that there are numerous boards and commissions where the nominees are selected by their peers, and felt agriculture should have agricultural representation. (Attachment3)

Jamie Clover Adams, representing both the Kansas Grain & Feed Association and Kansas Fertilizer & Chemical Association, stated that the views of both organizations concerning the reorganization of the state

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on February 14, 1995.

board of agriculture most closing paralleled those in **HB 2447**. As the Department of Agriculture is the primary regulatory agency overseeing the operation of their businesses, four issues were of utmost importance to them. They are: 1) where the rule and regulation authority is vested; 2) the participation of the secretary in the cabinet; 3) the ability of the secretary to bring his/her own management team to the agency; and 4) does the scheme pass constitutional muster. They believe the rule and regulatory authority should be vested in the secretary, appointed by the governor, confirmed by the Senate. The secretary should be an equal participant of the governor's cabinet. They support appointment of an advisory board. They think the secretary should have his/her own management team, but division heads should be classified employees for continuity. (Attachment 4)

Vern McKinzie, Government Affairs Chairman, Kansas Pest Control Association, stated that they were regulated by the Kansas pesticide law which is administered by the state board of agriculture. They favor appointment of the secretary by the governor for a four-year term. The secretary should be a member of the governor's cabinet. They feel the technical staff, including division heads, should remain classified positions. The secretary should, however, have assistants and legal counsel in unclassified positions. If there is to be a board, advisory or with authority, they think it should be an appointed board, not elected. He stated that he had been a member of the state board of agriculture under the old selection process and felt they could work as well with an agency board as they had with the former elected board. (Attachment 5)

Hearings on **HB 2078**, **HB 2137**, **HB 2384**, and **HB 2447** will continue in committee tomorrow.

The meeting adjourned at 10:00 a.m. The next meeting is scheduled for February 15, 1995.

**COMPARISON OF CURRENT LAW WITH HOUSE BILLS INTRODUCED IN THE 1995 LEGISLATIVE SESSION
 TO RESTRUCTURE THE KANSAS STATE BOARD OF AGRICULTURE**

Issue	Under Current Structure	Under H.B. 2078	Under H.B. 2137	Under H.B. 2384	Under H.B. 2447		
Secretary – Manner of Selection	Secretary elected by Board.	Elected for a four-year term by the Board of Agriculture. Subject to Senate confirmation. (Sec. 20) The Secretary would be in the unclassified service.	Elected by the Board of Agriculture for a two-year term (Sec. 2(d)). The current Secretary's term would end March 1, 1996 and the new Secretary would be elected by the new board.	Appointed by the Board of Agriculture for two-year term subject to Senate confirmation. (Sec. 8)	Appointed by the Governor with confirmation by the Senate. (Sec. 1).		
Qualifications of Secretary	None.	No specific qualifications.	No specific qualifications.	No specific qualifications.	Demonstrate executive and administrative ability. (Sec. 1).		
Board – Manner of Selection	Elected by delegates of certain organizations authorized by law.	Popularly elected by districts (10 districts) for a four-year term (Sec. 30), based on State Board of Education districts (which are based on state Senate districts) in a non-partisan manner. (Sections 1-12) Vacancy filled by appointment by Governor. (Sec. 13)	Delegates to the annual meeting would nominate not less than four or more than six persons for appointment to the board from each of the current agricultural districts. (Sec.2(a)) Authority is given to the Governor, the Speaker of the House, and the President of the Senate to appoint Board members from a list of nominees. (Sec. 2(c))	Eleven members appointed by the Governor, subject to Senate confirmation. Two from each Congressional district and three at-large. No more than six from any political party. (Sec. 1 (b))	Twelve members on an advisory board elected in the same manner as the previous Board of Agriculture was elected. Members of the previous Board of Agriculture remain as members of the new advisory board until new members are elected and qualified. (Sec. 9).		

*House Agriculture
 Attachment 1
 2-14-95*

Issue	Under Current Structure	Under H.B. 2078	Under H.B. 2137	Under H.B. 2384	Under H.B. 2447		
Qualifications of Board	None.	Resident of the district. (Sec. 1)	None.	No two are to be residents of the same county at the time of appointment. (Sec. 1)	Actively engaged in agriculture for at least five years. Two from each of the six agricultural districts. (Current law -- Secs. 9 and 10).		
Disposition of Classified and Unclassified Positions	Not applicable. Currently, the Acting Secretary and the agency's attorneys are in the unclassified service. The Assistant Secretary is in the classified service, as well as all other personnel.	Generally all personnel transfer to the new State Board of Agriculture. Any abolition of personnel in the classified service is to be in accord with the Civil Service Law. (Sec. 23) The new Secretary of the State Board could appoint assistant secretaries who would be in the unclassified service. (Sec. 21)	This bill does not address personnel transfers.	Generally, all personnel transfer to the new State Board of Agriculture. Any abolition of personnel in the classified service is to be in accord with the Civil Service Law. (Sec. 11) The new Secretary may appoint an assistant or assistants who would be in the unclassified service. (Sec. 9)	Generally, all personnel transfer to the new State Board of Agriculture. Any abolition of personnel in the classified service is to be in accord with the Civil Service Law. (Sec. 5). The new Secretary may appoint an assistant or assistants who would be in the unclassified service. (Sec. 2). Each Division would be headed by an Assistant Secretary. (Sec. 4). Each Division head would appoint all employees, subject to the approval of the Secretary. These employees would be in the classified service. (Sec. 4).		
Rules and Regulations	Authority given to Secretary, Board, and to Chief Engineer.	All rules and regulations of Secretary and current Board transfer to the new State Board of Agriculture. (Section 22) The rules and regulations of the Chief Engineer are not transferred.	This bill does not address rules and regulations of the agency.	All rules and regulations of Secretary and Board transfer to State Board created by the bill. (Sec. 10) The rules and regulations of the Chief Engineer are not transferred.	All rules and regulations transfer to Secretary of Agriculture created by the bill. (Sec. 3). The rules and regulations of the Chief Engineer are not transferred.		

1-2

Issue	Under Current Structure	Under H.B. 2078	Under H.B. 2137	Under H.B. 2384	Under H.B. 2447		
Secretary – Member of Cabinet	No.	No.	No.	No.	Yes. As an executive agency the Secretary would be a member of the cabinet.		
One Person-One Vote Challenge*	Challenged in Federal Court, Under Appeal to 10th Circuit Court.	Most likely would meet the one-person, one-vote challenge. Board members are elected from accepted State Board of Education districts based on current state Senate districts.	Most likely would not meet the one-person, one-vote challenge. Board members are nominated from delegates to an annual meeting and are based on agricultural districts which are not drawn based on population.	Most likely would meet one-person, one-vote challenge.	Most likely would meet one-person, one-vote challenge.		
State Constitution – Executive Power Question (Art. 1, Sec. 3)*	See above.	Perhaps a problem with executive power authority.	Perhaps a problem with executive power authority.	Executive has direct control of agency through appointment of the Board.	Executive has direct control of agency through appointment of the Secretary.		

Issue	Under Current Structure	Under H.B. 2078	Under H.B. 2137	Under H.B. 2384	Under H.B. 2447		
Delegates to the Annual Meeting	Act as an electing body for the Board of Agriculture.	The provisions dealing with delegates to an annual meeting are repealed. (Sec. 49)	The provisions dealing with delegates to the annual meeting are modified to allow one delegate from organizations and associations having a voting membership of not less than 100 of a statewide character representing any business or consumers interest which operate under the direction of or are regulated or affected by rules and regulations or actions of the State Board of Agriculture.	The provisions of current law dealing with delegates to an annual meeting are repealed.	The provisions of current law are partially retained to be the electing body for the Advisory State Board of Agriculture. (Secs. 9 and 10).		
Effective Date	Not applicable.	Upon publication in the <i>Kansas Register</i> . (Sec. 50)	Upon publication in the Statute Book.	Upon publication in the Statute Book.	Upon publication in the Statute Book.		
Status of Bill	Not applicable.	Referred to House Agriculture Committee.	Referred to House Agriculture Committee.	Referred to House Agriculture Committee.	Referred to House Agriculture Committee.		
Other Notable Aspects		The attorneys in the Division of Water Resources would be in the classified service under this bill. (Sec. 4b)					

* The notations in the table under these issues will have a final determination made in a court of law. The notations are based upon the outcomes of past court cases. The Kansas Legislative Research Department cannot issue legal opinions.

7-1

**COMPARISON OF CURRENT LAW WITH SENATE BILLS INTRODUCED IN THE 1995 LEGISLATIVE SESSION
 TO RESTRUCTURE THE KANSAS STATE BOARD OF AGRICULTURE**

Issue	Under Current Structure	Under S.B. 63	Under S.B. 62	Under S.B. 61	Under S.B. 221		
Secretary -- Manner of Selection	Secretary elected by Board.	Elected for two-year term by Board of Agriculture subject to Senate confirmation. (Sec. 20)	Appointed by the Board of Agriculture for two-year term subject to Senate confirmation. (Sec. 8)	Appointed by Governor with confirmation by the Senate. (Sec. 1)	Appointed by Governor with confirmation by the Senate. (Sec. 1)		
Qualifications of Secretary	None.	No specific qualifications.	No specific qualifications.	Demonstrate executive and administrative ability. (Sec. 1)	Demonstrate executive and administrative ability. (Sec. 1)		
Board -- Manner of Selection	Elected by delegates of certain organizations authorized by law.	Popularly elected by districts (10 districts) for a four-year term (Sec. 30), based on State Board of Education districts (which are based on state Senate districts). Vacancy filled in same manner as that for a State Board of Education member. (Sec. 13 and 40) Candidates run on a partisan basis.	Nine members appointed by the Governor subject to Senate confirmation. One from each Congressional district, the remaining at large. (Sec. 1) No more than five from the same political party.	Advisory Board appointed by the Governor. (Sec. 9)	Advisory Board appointed by the Secretary (12 members) for a four-year term. (Sec. 10)		
Qualifications of Board	None.	Resident of the district. (Sec. 1)	No two are to be residents of the same county at the time of appointment. (Sec. 1)	None.	None.		

*Senae Agriculture
 Attachment 2
 2-17-95*

Issue	Under Current Structure	Under S.B. 63	Under S.B. 62	Under S.B. 61	Under S.B. 221		
Disposition of Classified and Unclassified Positions	Not applicable. Currently, the Acting Secretary and the agency's attorneys are in the unclassified service. The Assistant Secretary is in the classified service, as well as all other personnel.	Generally, all personnel transfer to the new State Board of Agriculture any abolition of personnel in the classified service is to be in accord with the Civil Service Laws. (Sec. 23) The new Secretary may appoint an Assistant who would be in the unclassified service. (Sec. 21)	Generally, all personnel transfer to the new State Board of Agriculture. Any abolition of personnel in the classified service is to be in accord with the Civil Service Law. (Sec. 11) The new Secretary may appoint an assistant or assistants who would be in the unclassified service. (Sec. 9)	Generally, all personnel transfer to the new Department of Agriculture. Any abolition of personnel in the classified service is to be in accord with the Civil Service Law. (Sec. 5) The new Secretary may appoint assistant secretaries who would be in the unclassified service. (Sec. 2) Each Division would be headed by an Assistant Secretary. (Sec. 4) Each Division head would appoint all employees, subject to the approval of the Secretary. These employees would be in the classified service. (Sec. 4)	Generally, all personnel transfer to the new Department of Agriculture. Any abolition of personnel in the classified service is to be in accord with the Civil Service Law. (Sec. 6) The new Secretary may appoint assistant secretaries who would be in the unclassified service. (Sec. 2) Each Division would be headed by an Assistant Secretary. (Sec. 5) The Chief Engineer and the Director of the Grain Inspection Division would be in the classified service. Each Division head would appoint all employees, subject to the approval of the Secretary. These employees would be in the classified service. (Sec. 5)		

2.2

Issue	Under Current Structure	Under S.B. 63	Under S.B. 62	Under S.B. 61	Under S.B. 221		
Rules and Regulations	Authority given to Secretary, Board, and to Chief Engineer.	All rules and regulations of Secretary and Board transfer to State Board created by the bill. (Sec. 22) The rules and regulations of the Chief Engineer are not transferred.	All rules and regulations of Secretary and Board transfer to State Board created by the bill. (Sec. 10) The rules and regulations of the Chief Engineer are not transferred.	All rules and regulations of Secretary and Board transfer to Secretary of Agriculture created by the bill. (Sec. 3) The rules and regulations of the Chief Engineer are not transferred.	All rules and regulations of the Secretary and Board transfer to the new Secretary. (Sec. 3(f)). The bill specifies that rules and regulations of the Chief Engineer continue to be with the Chief Engineer. (Sec. 3(g)). All rules and regulations of the Grain Inspection Department transfer to the new Secretary. (Sec. 4(f)).		
Secretary – Member of Cabinet	No.	No.	Yes. The Secretary is to be a member of the Governor's Cabinet. (Sec. 8)	Yes. As an executive agency the Secretary would be a member of the cabinet.	Yes. As an executive agency the Secretary would be a member of the cabinet.		
One Person-One Vote Challenge*	Challenged in Federal Court, Under Appeal to 10th Circuit Court.	Most likely meets the one-person, one-vote challenge. Board members are elected from accepted State Board of Education districts, based on current state Senate districts.	Most likely would meet one-person, one-vote challenge.	Most likely would meet the one-person, one-vote challenge.	Most likely would meet the one-person, one-vote challenge.		
State Constitution – Executive Power Question (Art. 1, Sec. 3)*	See above.	Perhaps a problem with executive power authority.	Executive has direct control of agency through appointment of the Board.	Executive has direct control of agency through appointment of Secretary.	Executive has direct control of agency through appointment of Secretary.		

6
w

Issue	Under Current Structure	Under S.B. 63	Under S.B. 62	Under S.B. 61	Under S.B. 221		
Delegates to the Annual Meeting	Act as an electing body for the Board of Agriculture.	Elected as presently and act as an advisory body to the State Board of Agriculture. (Sec. 48)	The provisions of current law dealing with delegates to an annual meeting are repealed.	The provisions dealing with delegates to an annual meeting are repealed.	The provisions dealing with delegates to an annual meeting are repealed. (Sec. 50).		
Effective Date	Not applicable.	Upon publication in the Statute Book.	Upon publication in the Statute Book.	Upon publication in the Statute Book.	Upon publication in the Statute Book.		
Status of Bill	Not applicable.	Referred to Senate Agriculture Committee.	Referred to Senate Agriculture Committee.	Referred to Senate Agriculture Committee.	Referred to Senate Agriculture Committee.		
Other Notable Aspects					The State Grain Inspection Department would be transferred to the new Department of Agriculture, where it would become a division within the agency. The Director of Division of Grain Inspection must have at least one year of experience in the grain business and should have a working knowledge of the grain industry. The Director of the Division is in the classified service.		

* The notations in the table under these issues will have a final determination made in a court of law. The notations are based upon the outcomes of past court cases. The Kansas Legislative Research Department cannot issue legal opinions.

7-8

February 14, 1995

TO: House Agriculture Committee

RE: HB 2078, HB 2137, HB 2384 and HB 2447

Madam Chair and members of the Committee,
I appreciate the opportunity to share my
opinion on the State Board of Agriculture and
Kansas Secretary of Agriculture

First - Kansas should have a Board of
Agriculture

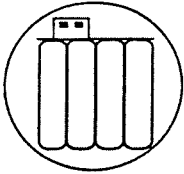
Second - Board of Agriculture, should select
and employ the Ks Secretary of Agriculture
subject to Senate Confirmation

Third - Need an annual meeting of
delegates to provide a list of nominees
to present to Governor for appointing
members of the State Board of Agriculture

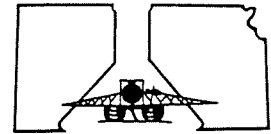
I submit to you that there are numerous
boards and commissions that the nominees
are selected and nominated by their peers,
such as the judiciary. So, if judicial
nominating commission present names to the
Governor. I contend since Agriculture is the
number one industry in Kansas any future
legislation should provide grass-roots
agricultural representation. I would urge
you to Not take the easy way out and
let the Governor appoint the Secretary
of Agriculture.

Marvin E. Smith

House Agriculture
Attachment 3
2-14-95



**Kansas Grain & Feed Association
Kansas Fertilizer & Chemical Association**



Statement on
Department of Agriculture
Reorganization
House Agriculture Committee
Representative Joann Flower, Chair
February 14, 1995



KGFA & KFCFA advocate public policies that advance a sound economic climate for agribusiness to grow and prosper so they may continue their integral role in providing Kansans and the world with the safest, most abundant supply of food and fiber.

*House Agriculture
Attachment 4*

The Kansas Grain and Feed Association

..... a voluntary state organization founded in 1896 providing governmental representation, educational opportunities and a wide variety of other services to the vast and indispensable grain and feed marketing system. The 1200 members of the KGFA include country elevators, subterminal and terminal elevators, feed manufacturers, grain merchandisers and allied industries such as railroads, grain exchanges, equipment manufacturers and insurance firms.

The Kansas Fertilizer and Chemical Association.....

..... a voluntary professional association for those involved in the plant nutrient and crop protection industry. KFCA represents our nearly 500 members interests in legislative matters at all levels of government, as well as providing educational opportunities and business services. The industry is committed to professional development and business viability for the plant nutrient and crop protection retail industry.

Madam Chair and Members of the Committee, I am Jamie Clover Adams here today representing both the Kansas Grain and Feed Association (KGFA) and the Kansas Fertilizer and Chemical Association (KFCA). While the two associations share staff, they have distinct memberships, separate boards of directors and association programs. KGFA's 1200 members include country elevators -- both independent and cooperative -- subterminal and terminal elevators, feed manufacturers, grain merchandisers and others who serve the industry. KFCA's nearly 500 members are primarily plant nutrient and crop protection retail dealers, but also include manufacturer's representatives, distribution firms, and equipment manufacturers. We appreciate this opportunity to appear today to discuss the reorganization of the Department of Agriculture.

The Kansas Department of Agriculture, through the over 70 laws it enforces is the primary regulatory agency overseeing the operation of our businesses. As Secretary Devine so succinctly stated in her presentation to this committee, the Department is a regulatory agency charged with implementing both state and federal law. **A good share of those laws regulate the firms we represent.** For example, they check the accuracy of our large truck scales, certify the fertilizer, feed and seed we sell meets guaranteed analysis, assure our anhydrous ammonia equipment is safe, verify our containment dikes and loadout pads meet regulatory requirements and audit our records to ensure the plant protection products we sell and/or custom apply are handled in accordance to the law. Consequently, both KGFA and KFCA have a profound interest in the organization of the Department of Agriculture.

Four issues are central to the debate over the organization of the Department. These are (1) where the rule and regulation authority is vested; (2) the participation of the Secretary in the cabinet; (3) the ability of the Secretary to bring his/her management team to the Agency; and (4) does the scheme pass constitutional muster.

Rule and regulation authority should be vested in the Secretary.

KGFA and KFCA believe a Secretary of Agriculture appointed by the Governor and confirmed by the Senate best serves the long-term interests of the food and fiber system in Kansas. And while the concept of a board appointed by the Governor and confirmed by the Senate is sound, in weighing the pros and cons of both, we believe an appointed Secretary is the better choice. A gubernatorial appointee is directly accountable to the Governor while a disparate board of individuals can easily deflect accountability. How will the Governor hold board members accountable, remove them from the board? Further, there may be an instance in the future when a Secretary hired by a Board will have his or her loyalty tested when the Board holds one view and the Governor another. What position will the Secretary take? To whom is he or she accountable?

Also, as Kansas and the nation continue to urbanize it is even more important for Agriculture to have a strong leader at the Department to allow all of Kansas agriculture to work together to spread a positive message about food production. Food safety is an ever growing concern for many citizens. Without a leader spreading a coherent message about how we grow our food and why we do what we do, more and more unfounded restraints will be put on food production. An appointed Secretary can do this more effectively than a board of individuals. While

consensus is necessary and could be achieved, would all individuals advocate the consensus policy?

A board also leaves room for appointment of an individual(s) with an agenda contrary to the best interests of the food and fiber system and its ability to provide the safest, most abundant food supply in the world. And while some would argue that the same might be said of a Secretary appointed by the Governor, we would counter that when agriculture accounts for 18% of the Gross National Product and 22 million jobs in this county, no Governor will leave the agency in the hands of an individual who does not appreciate and want a strong and productive agricultural sector.

Yet, KGFA and KFCA does support the appointment of an advisory board. Such a panel will provide expertise to the Secretary, as well as another layer of accountability. If the advisory board believes the Secretary has made a decision contrary to the best interests of Kansas agriculture they can speak with the Governor, organize their grassroots and hold the Secretary accountable.

The Secretary must be an equal participant in the Governor's cabinet. The Secretary's presence day in and day out assures that the interests of food production are advocated in other areas of policymaking. Without our "advocate" our interest could well be overlooked in other areas such as tax and trade policy. One recent example on the national level is ethanol. With passage of the Clean Air Act Amendments of 1990, the Environmental Protection Agency (EPA) was charged with designing an alternative fuels program. The EPA Administrator was not keen on including ethanol in this program. Without Secretary Madigan and then Secretary Espy to voice the position of agriculture with the President, ethanol might not have been included in the alternative fuels program finally developed by EPA.

The Secretary must be able to bring his or her own management team to the Department. This can be accomplished by permitting the appointment of an assistant secretary or secretaries. Our desire for the Secretary to bring a management team to the Department does not in anyway reflect our opinion of current staff. However, the scheme established now must serve us in the future. We all learned in high school civics that agency personnel are goal-seekers like all other parties in regulatory decisionmaking. They seek to maximize what they perceive as the policy goals of the agency. This may be in direct conflict with the goals of the Secretary. When the Secretary is the only unclassified employee, who will assure that the Secretary vision is begin implemented? However, KGFA and KFCA would not advocate the appointment of division heads. Throughout the debate over what form the organization at the Department should take, one common theme emerges -- a concern for continuity. Replacing division heads with appointees truly erases continuity. A good many laws and regulations are very technical and at times arcane. Personnel with this expertise are needed to efficiently and effectively administer the laws. Yes, the Secretary must be able to bring his or her own people to the agency to assure his or her vision is being implemented. However, this should not extend to Division heads whose technical expertise and experience is sorely needed.

In closing, KGFA and KFCA support a Secretary of Agriculture appointed by the Governor with an advisory board. Further, the Secretary must be an equal partner in the Governor's cabinet and should be allowed to select his or her lieutenants to carry out his or her vision. Whatever scheme is agreed upon must not only be in the interests of today's agriculture but also look to the future and what agriculture may look like 50 years from now. I thank you for this opportunity to express our views and would be glad to answer any questions.

KANSAS

PEST CONTROL ASSOCIATION

INC



President

L. Don Richardson
(316) 221-2685
FAX (316) 221-7392

President-Elect

Phil Augustine
(913) 363-4399
FAX (913) 362-5469

Vice-President

Bob Powell
(913) 232-9344
FAX (913) 232-4165

Past-President

O. Carolyn Nelson
(316) 792-4351
FAX (316) 792-4352

Secretary-Treasurer

Doug Jarvis
(913) 825-5143

Directors

Region I
Jerry Milberger
(913) 782-3600

Region II
Larry Wills
(316) 267-0365
FAX (316) 267-0366

Region III
Charles R. Carder
(316) 278-3390

At-Large
Al Wells
(316) 662-3616

Executive Secretary

Hal Hudson
3601 S.W. 29th St.
Suite 116-B
Topeka, KS 66614-2015
(913) 271-9220
FAX (913) 273-9200

February 14, 1995

Comments on House Bills 2078, 2137, 2384,2447
Presented to House Agriculture Committee
From Kansas Pest Control Association
Vern McKinzie, Government Affairs Chairman

Thank you for allowing me to comment today. The Kansas Pest Control Association represents about 150 pest control businesses in Kansas specializing in performing services for roaches, termites, fleas, ants, mice and rats, plus other structural pests. We are regulated by the Kansas pesticide law which is administered by the Board of Agriculture and/or the Secretary.

During the reorganization process we suggest that you give the following items consideration.

- 1. We believe it is extremely important for the Agriculture Secretary to be a member of the Governor's Cabinet. Therefore appointment by the Governor is our recommendation. We think a four-year term is appropriate.**
- 2. The technical staff, including the division directors, should remain as classified staff. We believe chaos would result if those staff positions were subject to political appointment. We do believe assistants to the Secretary and legal counsel should serve at the pleasure of the Secretary.**
- 3. If a board is put into place, whether advisory or with authority, we think it should be an appointed board, not an elected board.**

If the bills before you go to a sub-committee or conference committee, we would make ourselves available to participate in drafting the compromise language, if you like.

If there are questions, I am happy to respond. Thank you.

*House Agriculture
Attachment 5
2-14-95*